

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WISCONSIN

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EDGEWOOD HIGH SCHOOL OF THE  
SACRED HEART, INC.,

Case No. 3:21-cv-0018-wmc

Plaintiff,

v.

CITY OF MADISON, WISCONSIN, *et al.*,

Defendants.

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**DECLARATION OF CHRISTOPHER ZWETTLER**

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I, Christopher Zwettler, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the Athletic Director at Edgewood High School of the Sacred Heart, Inc. (“EHS”). I make this declaration upon my personal knowledge.
2. I have served as the Athletic Director of EHS for 33 years. During that time, I have also been a coach and teacher at the school. As Athletic Director, my responsibility is to oversee the entire athletic program, which includes but is not limited to securing coaches for our respective teams, scheduling of games and field usage, overseeing compliance with athletic conference and WIAA bylaws and rules, and ensuring compliance with the school’s athletic program policies.
3. In total, EHS has at least twenty-one (21) athletic teams, which would include co-ops.
4. EHS has one on-campus athletic field, now known as the Goodman Sports Complex. While designed to hold competitive sporting events, it is presently unable to do so after dark or in heavily overcast conditions because it lacks outdoor field lighting.
5. The lack of lights and the inability to play games after dark severely hinders my task in scheduling games and field usage and in complying with athletic conference bylaws. For

Athletic conferences of which EHS has been a part, varsity football has a start of 7:00 PM.

Varsity soccer has a start time of 7:00 PM. Track and field meets have a start time of 4:30 PM.

Many opponent schools prefer to schedule night games on weekdays, even where not required to.

6. To satisfy these start times and these preferences, EHS has to play “home” games at other athletic fields in Madison. EHS is given low priority for scheduling at these fields. EHS is not considered a priority user for the City’s fields. All four of the other Madison Metropolitan School District high schools have priority over EHS for both MMSD and City fields. EHS has been bumped numerous times from MMSD facilities. For example, a varsity “home” football game scheduled to be hosted on a City field, Breese Stevens, was bumped because the field booked another group, burdening school staff with administrative hassles and concerning parents that their sons’ “Senior Night” would be cancelled. EHS has not been able to host all of the games it needs to at Breese Stevens.

7. It is difficult for EHS to schedule games during daylight hours because, in many cases, other teams have refused to play at that time. This is because it is impossible for some parents to take off work, disruptive to pull students out of school early, and problematic in resolving transportation issues for bus companies. Other schools have canceled or declined to play EHS for these reasons.

8. Prior to 2015, on multiple occasions EHS has been unable to secure a site for a soccer home game. There are times when EHS cannot find suitable, off-campus locations to rent. There were certainly times when EHS would not have had to cancel games if we could have hosted the game at night on our campus field.

9. When our field situation causes scheduling conflicts and cancellations, parents for both teams become very frustrated and upset. EHS parents blame EHS and its administrators for these complications. I believe that EHS has lost non-conference opponents because of

cancellations due to our field situation. Student-athletes also get upset, and the uncertainty disrupts their preparation, attitude and conditioning.

10. These scheduling issues create an administrative burden. Substantially more administrative time is spent by EHS staff in negotiating off-site field arrangements, scheduling off-site “home” games, finding alternative locations when conflicts arise, and coordinating travel because of the unavailability of home night games. Prior to the 2015 field renovation, I estimate that 40% of my work time was spent scheduling and managing the issues arising from off-site “home games.” Since the renovation, with more home field availability for soccer and track, I estimate that 20% of my time goes to scheduling and managing issues with off-site “home games.” The more the field is available, the less time is required.

11. Not getting lights in 2019 has continued EHS’s administrative burden on staff as we have had to continue scheduling other fields for “home” games. The inability to use its field at night continues to cause EHS students and parents frustration and inconvenience.

12. Securing other fields is also a financial burden. EHS has to pay thousands of dollars per year to rent fields from the Madison Metropolitan School District and other organizations—funds which could otherwise be used to support EHS’s mission and students. In my experience, it costs approximately \$900 per game to rent a field for football and approximately \$250 per game for soccer, in seasonal fees. Those fees would be substantially reduced with an on-campus, EHS-owned field that had the ability and flexibility to host games and practices after dark. Beyond annual games fees, in order to secure sites for games, EHS has had to make large, upfront capital contributions to field owners in both soccer and football. Since 2008, EHS has had to pay a total of \$300,000 to these field owners in order to secure priority usage. Continued dependence on off-site fields means that EHS risks incurring similar expenses in the future, as well as further seasonal fees.

13. In addition, each year EHS incurs fees relating to busing, equipment transportation and signage using other fields that would not be incurred at home games at the Goodman Athletic Complex. In the last several years, those fees have average approximately \$2,000 per season. These figures don't capture the hundreds of additional hours each year spent in the preparation and planning for each "home" game played off-site. These chores are very taxing on EHS's staff and volunteers.

14. With no home field, varsity football home games are generally played at Breese Stevens, and Middleton before that. Freshman and JV football home games are typically played on EHS's athletic field, now known as the Goodman Athletic Complex. Freshman and JV football have played their home games on EHS's field during my entire tenure as Athletic Director.

15. Since the EHS track and field renovation in 2015, freshman and JV football have continued to play games on the field. Boys' and girls' lacrosse, boys' and girls' soccer, boys' and girls' track, and middle school track all use the field for games or meets.

16. While the track had been used for the parochial grade school track practices and invitational track meet, in the years prior it had stopped being used as such because of the track's deterioration. With the upgraded surface, EHS was able to welcome back the parochial school track programs and to partner with groups such as the Madison Westside Track Club. Since the field renovation, parochial school flag football games are now played at EHS. Lights on the field would enable EHS to have more availability for these relationships.

17. Lights are important, because EHS's inability to host games and activities at night on its own athletic field substantially burdens EHS's students, parents, partnerships with other schools, clubs and organizations, and the community in multiple ways.

18. EHS's students, parents, and coaches struggle with the uncertainty that comes from not knowing where and when they will be able to play their games or whether they will be bumped by other institutions that have priority use of the various fields EHS's team are forced to use. I have heard many complaints from EHS parents about the extra burdens not having a nighttime home field causes. At least one past student, R.F., left Edgewood because of the time and travel complications created by EHS's inability to hold night games or practices on site.

19. EHS students, coaches, and fans are forced to drive to locations all over Madison to play "home" games which could otherwise be held on EHS's campus where athletes, students, faculty and coaches can simply remain after school to attend and where EHS can freely and fully promote its religious mission and values.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of June, 2022.

  
Christopher Zwettler

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